	Application No.	Applicant(s)
A	10/828,666	BORTNICK ET AL.
Notice of Allowability	Examiner	Art Unit
•	Katarzyna Wyrozebski	1714
The MAILING DATE of this communication app All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85 NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT R of the Office or upon petition by the applicant. See 37 CFR 1.31	pears on the cover sheet with the c S (OR REMAINS) CLOSED in this ap b) or other appropriate communication RIGHTS. This application is subject t	plication. If not included n will be mailed in due course. THIS
1. $\boxtimes$ This communication is responsive to $4/2/2007$ .		
2. The allowed claim(s) is/are <u>1-8</u> .		
<ul> <li>3. Acknowledgment is made of a claim for foreign priority unally All b) Some* c) None of the:</li> <li>1. Certified copies of the priority documents have</li> <li>2. Certified copies of the priority documents have</li> <li>3. Copies of the certified copies of the priority documents have</li> </ul>	e been received. e been received in Application No	•
International Bureau (PCT Rule 17.2(a)).		national diago application from the
* Certified copies not received:		
Applicant has THREE MONTHS FROM THE "MAILING DATE" noted below. Failure to timely comply will result in ABANDON! THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.		complying with the requirements
4. A SUBSTITUTE OATH OR DECLARATION must be subm INFORMAL PATENT APPLICATION (PTO-152) which give		
5. CORRECTED DRAWINGS (as "replacement sheets") mu	st be submitted.	
(a) 🔲 including changes required by the Notice of Draftsper	son's Patent Drawing Review (PTO-	948) attached
1) 🗌 hereto or 2) 🔲 to Paper No./Mail Date	<b>_•</b>	
(b) including changes required by the attached Examiner Paper No./Mail Date	's Amendment / Comment or in the C	Office action of
Identifying indicia such as the application number (see 37 CFR each sheet. Replacement sheet(s) should be labeled as such in	1.84(c)) should be written on the drawi the header according to 37 CFR 1.121(	ngs in the front (not the back) of d).
<ol> <li>DEPOSIT OF and/or INFORMATION about the deposit attached Examiner's comment regarding REQUIREMENT</li> </ol>	osit of BIOLOGICAL MATERIAL r FOR THE DEPOSIT OF BIOLOGIC	must be submitted. Note the AL MATERIAL.
Attachment(s) 1. ☐ Notice of References Cited (PTO-892)	5.  Notice of Informal F	Patent Application
Notice of Praftperson's Patent Drawing Review (PTO-948)		** *
3. ☐ Information Disclosure Statements (PTO/SB/08),	Paper No./Mail Da	te <u>20070410</u> .
Paper No./Mail Date	7. 🛭 Examiner's Amendr	menvComment
Examiner's Comment Regarding Requirement for Deposit of Biological Material	8. S Examiner's Stateme	ent of Reasons for Allowance
·	KATA	
	-//	PRIMARY EXAMINER

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## **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Andrew Miriam on April 10, 2007. Applicant's representative authorized examiner's amendment to correct Markush language.

The application has been amended as follows:

Claim 1, line 8 after term "the" and before term "consisting" delete term "set" and insert term "group"

Claim 1, line 10 after term "phosphonium;" and before term "amines" delete term "and"

Claim 1, line 11 after term "acids" and before term "phosphorous" delete term "and" and insert

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Claim 3, line 8 after term "the" and before term "consisting" delete term "set" and insert term "group"

Claim 3, line 10 after term "phosphonium;" and before term "amines" delete term "and"

Claim 3, line 11 after term "acids" and before term "phosphorous" delete term "and" and insert

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## Examiner's Statement of Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance:

In view of applicant's arguments presented on April 2, 2007 and reconsideration of the prior art, the rejections of record are withdrawn for following reasons:

The prior art of CRUZ discloses polymeric nanoparticles. The prior art does disclose use of at least one multi-ethylenically unsaturated monomer, wherein such monomers act as crosslinking agents. The secondary reference of BEALL was relied upon to provide recitation of clay particles. The clay particles of BEALL are utilized with polymers that are either soluble or dispersable in the aqueous medium.

Combination of CRUZ and BEALL would not be obvious since crosslinked polymeric nanoparticles (PNP) of CRUZ would not be soluble in the aqueous medium and one would not be able to disperse single polymer as well. PNPs of CRUZ are chemically distinct from the polymers of BEALL.

In the light of the above discussion, the prior art of record is withdrawn and pending claims 1-8 are passed to issue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katarzyna Wyrozebski whose telephone number is (571) 272-1127. The examiner can normally be reached on Mon-Thurs 6:30 AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Katarzyna Wyrozebski

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